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4 BILL NO. S-72-10-10
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6 SPECIAL ORDINANCE NO. S- 89-72

7 AN ORDINANCE authorizing the sale of certain
8 real estate near Schwartz Road owned by the
9 City of Fort Wayne, Indiana.

10 WHEREAS, the City of Fort Wayne, Indiana is the owner of certain
11 real estate in Allen County, Indiana, said real estate being more par-
12 ticularly described as follows:

13 Part of the North half of Section 22, Township 32
14 North, Range 13 East in Allen County, State of
15 Indiana, described as follows, to-wit:

16 Beginning at a point on the south line of the north-
17 east one-quarter ($\frac{1}{4}$) of said Section, said point
18 being situated 247.0 feet east of the center of said
19 Section; thence north 28 degrees 59 minutes west
20 75.90 feet; thence north 40 degrees 03 minutes 40
21 seconds west 297.95 feet; thence south 84 degrees
22 40 minutes 12 seconds east 192.36 feet; thence
23 south 3 degrees 37 minutes and 27 seconds east
24 252.0 feet to the place of beginning, containing
25 0.505 acres, more or less.

26 WHEREAS, said real estate is presently under the jurisdiction of
27 the Civil City of Fort Wayne, Indiana and its Board of Public Works,
28 and was acquired in connection with the construction of Cedarville
29 Reservoir, and now has no further use to the City of Fort Wayne, Indiana;
30 and

31 WHEREAS, the Board of Public Works, by Resolution under date
32 of _____, has determined that it will be to the best
33 interest of the City of Fort Wayne, Indiana to offer said real estate
34 for sale; the sales price thereof to be a sum in cash of not less
35 than the full appraised value thereof, as determined by appraisers

hereinbelow provided; said appraisers appointed in the manner required by law prior to the sale of municipal lands or interests in such lands, and provided further that such sale be made for a sum of not less than such appraised value;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Mayor of the City of Fort Wayne, Indiana be and he is hereby authorized and directed in the name of, for and on behalf of said City, to sell, grant and convey the real estate described above in fee simple, the sales price thereof to be a sum in cash of not less than the full appraised value thereof as determined by the appraisers hereinbelow provided.

SECTION 2. That upon full payment of the purchase price of said real estate to said City, the said Mayor, in the name of and for and on behalf of said City, shall be, and hereby is, authorized and directed to execute and deliver an instrument granting and conveying to the highest bidder for the purchase of said above described real estate in fee simple, and the signature of the Mayor on such instrument shall be attested by the City Clerk of the City of Fort Wayne, Indiana, and accompanied by the seal of said City.

SECTION 3. The Judge of Allen Circuit Court be, and he is hereby requested to appoint three (3) disinterested freeholders of the City of Fort Wayne to appraise and determine the value of the above described real estate with a view to the sale of the same, and prior to such appraisement the Board of Public Works shall advise said appraisers of the terms and conditions to be included in the instrument of conveyance which said Board considers necessary or advisable in the best interests of said City.

SECTION 4. This Ordinance shall be and continue sufficient authority for the Mayor and the Board of Public Works and the City Clerk of the City of Fort Wayne, Indiana to effect the sale, grant

and conveyance of said above described real estate in fee simple and to do all things incidental thereto or necessary therefor.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

William T. Snyder
Councilman

Read the first time in full and on motion by Hinga seconded by Moss and duly adopted, read the second time by title and referred to the Committee on Finance (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the _____ day of _____, 19____, at _____ o'clock P.M., E.S.T. _____

Date: 10-10-72

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Hinga seconded by V. Schmidt and duly adopted, placed on its passage. Passed (lost) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____ to-wit:
Burns	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hinga	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kraus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nuckols	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Moses	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmidt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmidt, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stier	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Talarico	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date 10-24-72

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as (~~Zoning~~ Map) (~~General~~) (~~Annexation~~) (Special) (~~Appropriation~~) Ordinance (~~Resolution~~) No. 2-89-72 on the 24th day of October, 19 72.

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of October, 19 72 at the hour of 10:00 o'clock 4 M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 26th day of October, 19 72 at the hour of 3:00 o'clock P. m., E.S.T.

Don H. Schaefer
MAYOR

Bill No. S-72-10-10

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance

authorizing the sale of certain real estate near Schwartz

Road owned by the City of Fort Wayne, Indiana

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

William T. Hinga, - Chairman

Winfield Moses, Jr. - Vice-Chairman

James S. Stier

Samuel J. Talrico

Paul M. Burns

William T. Hinga

Winfield Moses Jr.

James S. Stier

Samuel J. Talrico

Paul M. Burns

CONCURRED IN

DATE 10-24-72

CONCURRED IN

CHARLES W. WESTERMAN, CITY CLERK

DATE

CITY CLERK

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11 real estate in Allen County, Indiana, said real estate being more par-
12 ticularly described as follows:
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15 North, Range 13 East in Allen County, State of
16 Indiana, described as follows, to-wit:
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18 Beginning at a point on the south line of the north-
19 east one-quarter (1/4) of said Section, said point
20 being situated 247.0 feet east of the center of said
21 Section; thence north 28 degrees 59 minutes west
22 75.90 feet; thence north 40 degrees 03 minutes 40
23 seconds west 297.95 feet; thence south 84 degrees
24 40 minutes 12 seconds east 192.36 feet; thence
25 ~~south 37 degrees 27 minutes east 252.0 feet to~~
26 ~~the place of beginning, containing 0.505 acres,~~
27 ~~more or less.~~
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37 WHEREAS, said real estate is presently under the jurisdiction of
38 the Civil City of Fort Wayne, Indiana and its Board of Public Works, and
39 was acquired in connection with the construction of Cedarville Reservoir,
40 and now has no further use to the City of Fort Wayne, Indiana; and
41

42 WHEREAS, the Board of Public Works, by Resolution under date
43 of _____, has determined that it will be to the best
44 interest of the City of Fort Wayne, Indiana to offer said real estate for
45 sale; the sales price thereof to be a sum in cash of not less than the full
46 appraised value thereof, as determined by appraisers hereinbelow pro-
47 vided; said appraisers appointed in the manner required by law prior to
48 the sale of municipal lands or interests in such lands, and provided further
49 that such sale be made for a sum of not less than such appraised value;
50

51 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
52 OF THE CITY OF FORT WAYNE, INDIANA:
53

54 SECTION 1. That the Mayor of the City of Fort Wayne, Indiana be
55 and he is hereby authorized and directed in the name of, for and on behalf
56 of said City, to sell, grant and convey the real estate described above in
57 fee simple, the sales price thereof to be a sum in cash of not less than the
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North 3 degrees 37 minutes East 252.0 feet to

1 full appraised value thereof as determined by the appraisers hereinbelow
2 provided.
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4 SECTION 2. That upon full payment of the purchase price of said
5 real estate to said City, the said Mayor, in the name of and for and on
6 behalf of said City, shall be, and hereby is, authorized and directed to
7 execute and deliver an instrument granting and conveying to the highest
8 bidder for the purchase of said above described real estate in fee simple,
9 and the signature of the Mayor on such instrument shall be attested by the
10 City Clerk of the City of Fort Wayne, Indiana, and accompanied by the
11 seal of said City.
12

13 SECTION 3. The Judge of Allen Circuit Court be, and he is hereby
14 requested to appoint three (3) disinterested freeholders of the City of Fort
15 Wayne to appraise and determine the value of the above described real
16 estate with a view to the sale of the same, and prior to such appraisement
17 the Board of Public Works shall advise said appraisers of the terms and
18 conditions to be included in the instrument of conveyance which said Board
19 considers necessary or advisable in the best interests of said City.
20

21 SECTION 4. This Ordinance shall be and continue sufficient author-
22 ity for the Mayor and the Board of Public Works and the City Clerk of the
23 City of Fort Wayne, Indiana to effect the sale, grant and conveyance of said
24 above described real estate in fee simple and to do all things incidental there-
25 to or necessary therefor.
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27 SECTION 5. This Ordinance shall be in full force and effect from and
28 after its passage by the Common Council and approval by the Mayor.
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35 _____
36 Councilman
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WARRANTY DEED

This indenture witnesseth that CITY OF FORT WAYNE, an Indiana Municipal Corporation,

of Allen County in the State of Indiana,

Conveys and warrants to ARNOLD MOSER

of Allen County in the State of Indiana
for and in consideration of other valuable consideration and the sum of \$1.00
the receipt whereof is hereby acknowledged, the following Real Estate in Allen County
in the State of Indiana, to wit:

Part of the North half of Section 22, Township 32 North,
Range 13 East in Allen County, State of Indiana, described
as follows, to-wit:

Beginning at a point on the south line of the northeast
one-quarter ($\frac{1}{4}$) of said Section, said point being situated
247.0 feet east of the center of said section, thence
North 28 degrees 59 minutes West 75.90 feet, thence North
40 degrees 03 minutes 40 seconds West 297.95 feet, thence
South 84 degrees 40 minutes 12 seconds East 192.36 feet,
thence South 3 degrees 37 minutes and 27 seconds east 252.0
feet to the place of beginning, containing 0.505 acres
more or less.

Subject to all taxes, easements, and assessments of record.

State of Indiana, Allen County, ss:
Before me, the undersigned, a Notary Public in and for said County
and State, this day of 1972
personally appeared:

City of Fort Wayne, an Indiana Municipal Corporation, by its Mayor, Ivan A. Lebamoff, and attested by Charles W. Westerman, City Clerk

And acknowledged the execution of the foregoing deed. In witness
whereof, I have hereunto subscribed my name and affixed my of-
ficial seal. My commission expires 19

Notary Public

Dated this 19 Day of 1972

CITY OF FORT WAYNE, an Indiana
Municipal Corporation

By: Ivan A. Lebamoff, Mayor

ATTEST:

By: Charles W. Westerman, City Clerk

This instrument prepared by JOHN H. LOGAN, Attorney at Law
Member of Allen County Indiana Bar Association.

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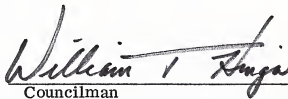
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Councilman

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

CONTENTS OF ORDINANCE

	BILL NO. <i>D-72-10-10</i>
	ORDINANCE NO. <i>D-89-72</i>
<input checked="" type="checkbox"/>	REGULAR SESSION <i>10-10-72</i>
	SPECIAL SESSION
	APPROVED AS TO FORM AND LEGALITY <i>Logan</i>
	BILL WRITTEN BY
	DATE INTRODUCED <i>10-10-72</i>
	REFERRED TO SAID <i>Hinga</i> STANDING COMMITTEE <i>Finance</i>
	REFERRED TO CITY PLAN
	LEGAL PUBLIC HEARING
	LEGAL PUBLICATION
	JOINT HEARING
	DEPARTMENT HEARING
	HOLD FILE
<input checked="" type="checkbox"/>	PASS <i>10-24-72</i>
	DO NOT PASS
	WITHDRAWN
	SUSPENSION OF RULES
	PRIOR APPROVAL
	ORDINANCE TAKEN OUT OF OFFICE
	OTHER INSTRUCTIONS REGARDING ORDINANCE
	CORRECTIONS MADE TO ORDINANCE
	PEOPLE SPEAKING FOR ORDINANCE
	PEOPLE SPEAKING AGAINST ORDINANCE

<input checked="" type="checkbox"/>	COMMITTEE SHEET
<input checked="" type="checkbox"/>	VOTE SHEET
	PURCHASE ORDERS
	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	COMMUNICATIONS FROM
	ZONING MAPS
	ABSTRACTS - <i>Warranty Deed</i>
	TITLES
	PRIOR APPROVAL LETTER

COUNCILMAN'S VOTE

	AYES	NAYS	ABSENT
BURNS	<input checked="" type="checkbox"/>		
HINGA	<input checked="" type="checkbox"/>		
KRAUS	<input checked="" type="checkbox"/>		
MOSES	<input checked="" type="checkbox"/>		
NUCKOLS	<input checked="" type="checkbox"/>		
D. SCHMIDT	<input checked="" type="checkbox"/>		
V. SCHMIDT	<input checked="" type="checkbox"/>		
STIER	<input checked="" type="checkbox"/>		
TALARICO	<input checked="" type="checkbox"/>		

COMMENTS:

Corrected copy of ordinance made